

FILED

U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

SEP 17 2012

DAVID G. WILKINS, ULENH

BY
DEPUTY

DAVID E. MACK
Plaintiff.

VS

NCO FINANCIAL SYSTEMS, INC.
Defendant.

Case No 4:12CV304

**PLAINTIFF'S MEMORANDUM IN SUPPORT OF
MOTION FOR LEAVE TO FILE AMENDED PLEADING**

Plaintiff requests leave of court to file an amended pleading, First Amended Complaint.

A. Introduction

1. Plaintiff is David E. Mack and Defendant is NCO Financial Systems, Inc.
2. Plaintiff sued defendant for violations of the FCRA
3. Defendant filed an answer on June 11, 2012
4. Plaintiff inadvertently stated incorrect dates of the alleged violations in his Original Complaint and desires to correct said errors.

B. Argument

5. Unless the opposing party can show prejudice, bad faith, or undue delay, a court should grant leave to file an amended pleading. *Foman v. Davis*, 371 U.S. 178, 182, 83 S.Ct. 227, 230 (1962). Leave to amend should be freely given when justice so requires. Fed. R. Civ. P. 15(a); *Walton v. Mental Health Ass’n*, 168 F.3d 661, 665 (3d Cir. 1999).

6. The court should allow the filing of Plaintiff's amended pleading because the original complaint inadvertently stated incorrect dates of the alleged violations.

7. NCO Financial Systems, Inc. will not be prejudiced by Plaintiff's amended pleading because all other allegations in the Original Complaint remain the same.

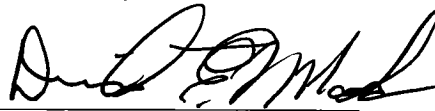
8. Plaintiff is filing his amended pleading along with this motion.

C. Conclusion

9. Plaintiff desires to correctly state the actual dates of alleged violations and correct the inadvertent errors contained in the Original Complaint. For these reasons, Plaintiff asks the Court to grant leave to file the amended pleading.

Dated: September 17, 2012

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "David E. Mack", written over a horizontal line.

David E. Mack
7720 McCallum Blvd. #2099
Dallas, Texas 75252
972-735-9642

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the document above was sent to the parties listed below by first class mail USPS.

Whitney L. White
Sessions, Fishman, Nathan,
& Israel, LLC
900 Jackson Street, Suite 440
Dallas, Texas 75202

Dated September 17, 2012

A handwritten signature in black ink, appearing to read "David E. Mack", written over a horizontal line.

David E Mack